



**City of Miami Beach
Office of Commissioner Deede Weithorn**

TRAC MEETING

AGENDA

**Thursday, November 20, 2008
5:00PM
City Manager's Conference Room**

- I. Call to Order
- II. Approval of Minutes
- III. New Business
 - a. 2009 Meeting Dates
 - b. Land Use Boards
 - c. Online Check Registry
- IV. Old Business

**CITY OF MIAMI BEACH
TRANSPARANCY,
RELIABILITY, AND
ACCOUNTABILITY
COMMITTEE (TRAC)**

**CHAIR
COMMISSIONER DEEDE
WEITHORN**

**VICE-CHAIR
STEVE CHANELES**

**MEMBERS
FRANK DEL VECCHIO
MIKE BURKE
SAM RABIN
ROBERT HENRY
DAVID LANCZ
MARK HUNTER**

**COMMISSION OFFICE
ANNE SWANSON
(305) 673-7105**

**STAFF LIASONS
ROBERT PARCHER
PATRICIA WALKER**

**CITY ATTORNEY'S OFFICE
JEAN OLIN**

**TRAC Meeting Minutes
Wednesday, October 29, 2008**

In attendance:

Committee Members: Commissioner Deede Weithorn, Sam Rabin, Steve Chaneles, Frank Del Vecchio, Dr. Robert Henry, David Lancz

Absent: Mark Hunter, Mike Burke

City Staff: Robert Parcher, Hilda Fernandez, Gladys Acosta, Anne Swanson, Robert Biles, Diana Arocho, Ben Torter, Denia Garcia

A motion was made to approve the September minutes by Frank Del Vecchio, second by Steve Chaneles, minutes approved by the committee.

Steve Chaneles presented the motion he drafted based on the previous discussion on GPS systems for all city vehicles. Please see attached motion with revisions by Frank Del Vecchio. Motion was made by Steve Chaneles, seconded by Sam Rabin, motion approved.

In continued discussion regarding the CMB website, the Commission Meeting agenda is now tabbed from a list which will take you directly to the item you are looking for. Steve Chaneles suggested that a basic explanation be given on the website about the difference between the consent agenda and the regular agenda for residents who are not completely familiar with how the city functions. Mr. Chaneles also suggested that after actions be linked in after the meeting. Hilda Fernandez stated that the goal right now with the website is to finish the transition to the new format so a search engine can be implemented. Commissioner Weithorn suggested that the information given to residents in the Leadership Academy could be condensed into an online knowledge base as a reference for residents.

Saul Frances, Director of the Parking Department, presented an overview of the Parking Department's internal audit structure, financial and operational, done both through the Parking Department's own systems and the city's Internal Audit Department which audits the garages and attended lots monthly and during special events. The largest revenue generators are the attended parking lots/garages and the parking meters. Impark (contracted labor in parking lots and garages) is responsible for any cash shortages or ticket shortages.

Meeting Adjourned

**A RESOLUTION OF THE TRANSPARENCY, RELIABILITY AND
ACCOUNTABILITY COMMITTEE OF THE CITY OF MIAMI BEACH,
FLORIDA RECOMMENDING TO THE CITY COMMISSION THE
INVESTIGATION AND PROCUREMENT OF A FLEET-WIDE VEHICLE
LOCATOR SYSTEM.**

WHEREAS, the City of Miami Beach has undertaken to procure ^{and} implement an integrated computer-aided dispatch system, records management system, fire records management system and mobile computer solution for the City's Police and Fire Departments (the "Locator System"); and

WHEREAS, the Transparency, Reliability and Accountability Committee ("TRAC") has considered the scope of the system specified; and

WHEREAS; TRAC has concluded that expansion of the specified system to the entirety of the City's fleet would enhance the transparency, reliability and accountability of the mobile components of the City's departments.

NOW THEREFORE, BE IT DULY RESOLVED BY TRANSPARENCY, RELIABILITY AND ACCOUNTABILITY COMMITTEE, that it recommends to the Mayor and City Commission to direct the City manager to ~~investigate and~~ analyze the appropriate scope, costs and funding for expanding the locator system to the City's entire vehicle fleet, *and prepare a suitable report and recommendation to the Commission.*

[D R A F T III] – DISCUSSION ITEM FOR T.R.A.C.
COMMITTEE MEETING, THURSDAY, NOV. 20, 5:00PM,
CITY MANAGER'S LARGE CONFERENCE ROOM.

**Making the Land Development Application and Review
Process more Transparent and Accessible to the Public.**

1. Expand the **public notice period** from 15 days to 30 days.
[Ordinance amendment required.]
2. Expand the **project description** in the public notice to include several standardized pieces of information not now included, such as lot size, buildable space, type and intensity of use, conversion – information essential for the public and the neighborhood to be put on notice of the nature and magnitude of what is being proposed.
[Pay for the additional newspaper ad costs by a slight increase in the application fee.]
3. a. Require **posting on the city's website of basic information** at the time a land development application is **accepted for processing**. This will give the public a heads up as to what is in store. [In addition, by identifying applications by neighborhood association district in which located, the city could **affirmatively e-mail the neighborhood association** or associations affected with that basic information.]

b. Contemporaneously with the mailed and published public notice of the public hearing on the project, **post on the website an expanded description of the project**. This would be more detailed than the published notice, and would be the location an interested person or neighborhood association would go to when public notice is given – mailed and published. The expanded project description could be standardized for the applicant to fill in. This should be no burden, for the applicant must address all development aspects in formulating an application.

4. After the date for public hearing is set, **changes to essential features of the application should be posted on the website**, and a closing date for such changes established. It should be unacceptable for an applicant to hand out changes to land development boards as late as the meeting itself. The public has no opportunity for review. Perhaps a **deadline of ten days' prior** submission and posting to the website is necessary to ensure public access to application changes.

5. Agendas should set reasonable parameters, to the extent feasible, for the **approximate time agenda items requiring a public hearing will be heard**. [Reference, Charter policy, Citizens' Bill of Rights (A) 5. *Right to be heard*. . . *Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard.*"]

6. Authorize the **written transcript** that is required for an appeal by an affected party to be transcribed from the city's DVD recording of the public hearing, without the resident having to schedule in advance the services of a court reporter, and incur those expenses.

7. Require **administrative decisions** by the Planning Director to be **posted** on the city's website, and the deadline for appeal extended from the current five days to 20 days. [Ordinance amendment required.]

Submitted to the Transparency, Reliability and Accountability Committee by Frank Del Vecchio, Oct. 29, 2008; updated November 16, 2008.

Nov. 17, 2008

Transparency, Reliability, and Accountability Committee

Meeting of November 20, 2008

Transparency in the Land Development Application Process

Recommendations of Henry Stolar

I support, fully and enthusiastically, the recommendations of Frank Del Vecchio, as set forth in his DRAFT III dated November 16, 2008.

I submit the three additional recommendations below, which are intended to be complementary to Mr. Del Vecchio's seven recommendations. His recommendations principally address the issue of public access to materials. My recommendations principally address the issue of the transparency, reliability, and integrity of the accessed materials.

All the access in the world is of no value if the accessed materials are opaque, incomplete, misleading (intentionally or otherwise), or if they in any other way fail to disclose the important facts which the public has the right to know. For public access to be meaningful, there must be quality in the materials to which there is improved public access.

1. Real Parties in Interest as Applicants. Require that the real party(ies) in interest be the Applicant(s), or at least be the Co-Applicant(s), in every Application submitted to a Land Development Board. Where, for example, in a hotel, the proposed operator of a restaurant is different than the hotel owner, it is that restaurant operator who should be at least one of the Applicants.

Comment: In the above example, the conditions in a Land Development Board's final Order will typically apply to the restaurant operator and not to the hotel owner. It is that restaurant operator who clearly should be bound by the conditions, and that is most effectively accomplished by that restaurant owner's being an actual Applicant in the Application. (Ordinance amendment may be required, although the existing ordinance seems clear enough. Please see the definitions of "Applicant" and "Development" in Code Section 114-1, but those definitions are not now being used.)

2. Information on Applicants. Require that basic biographical, experience, and corporate entity personnel information (names and addresses of directors; names, addresses, and offices of top three or four officers) be furnished by the individuals who are the principals of each Applicant. That information should be furnished **(A)** in written form, through inclusion in the Application, and **(B)** in oral form, through testimony at the public hearing held by the appropriate Land Use Board.

Comment: Currently, application materials include massive submissions by an Applicant's lawyers, architects, traffic consultants, sound consultants, and other paid proxies and professionals—but little or no information about the Applicant. That is a topsy-turvy arrangement. It is the Applicant upon whom City government and City residents rely for the project being launched, prosecuted diligently, and operated properly—which includes operating it in compliance with the conditions of approval. (Ordinance amendment required since, for example, Section 118-193, entitled "Applications for Conditional Uses", lists no requirements for the Applicant or the Application.)

3. Date-Stamping and Docketing of All Filings. Require that, at the time of filing, (A) each Application, its supporting materials, and any later amendments to any of those materials be stamped with the date and time of filing, through use of the commonly-available automated machine designed for that purpose, and (B) each such filing be contemporaneously recorded, by name and filing date, on a separate docket sheet.

Comment: These simple measures will assure the basic integrity and completeness of a file, as well as the timely filing of everything in it, so that a member of the public, who wishes to examine a file, will know that she is seeing everything which should be in the file. To that end, these measures complement (A) Mr. Del Vecchio's Recommendation No. 3(a), pertaining to the filing of applications, and (B) Mr. Del Vecchio's Recommendation No. 4, pertaining to a deadline for filing amendments to applications. (Ordinance amendment required.)

Respectfully submitted,

Henry S. Stolar

November 17, 2008